

1-07
21 March 2007

FINAL ASSESSMENT REPORT

APPLICATION A512

DEFINITION OF MEAT PIES

For Information on matters relating to this Assessment Report or the assessment process generally, please refer to <http://www.foodstandards.gov.au/standardsdevelopment/>

Executive Summary

Bakewell Foods Pty Ltd, now trading as Mrs Mac's Pty Ltd, lodged an Application with Food Standards Australia New Zealand (FSANZ) on 3 September 2003 to vary the requirements of Standard 2.2.1 – Meat and Meat Products, in the *Australia New Zealand Food Standards Code* (the Code).

The Applicant requested changes to the definition of a meat pie to ensure that meat pies contain 'meat flesh' and not just 'meat' as defined in Division 1 of the Standard and to allow for other foods in meat pies.

The current definition of a meat pie in Division 1 – Interpretation, of Standard 2.2.1 is:

'meat pie means a pie containing no less than 250 g/kg of meat'.

The Applicant also requested that Division 2 – Compositional requirements of Standard 2.2.1 be varied for meat pies by establishing a 25% minimum level of meat flesh, identifying the species of animal used for meat pies and limiting the types of meat generally used by meat pie manufacturers to beef or mutton.

The Applicant considered that the proposed variations would enhance the reputation of the meat pie manufacturing industry in the eyes of the consumer and believed this to be consistent with the objectives of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act).

The Applicant contended that there would not be any negative impact as a result of the proposed changes nor any negative dietary impact. The Applicant stated that their own internal research demonstrated a concern by consumers with the content of meat pies and that there would be little consequence to margins, competition and employment from this Application.

FSANZ wrote to the Applicant on several occasions requesting further information about the nature of the regulatory problem and the costs and benefits associated with the proposed changes to food regulations.

It should be noted that this Application does not affect the naming of pies that are specifically named to indicate that they are different to a meat pie, such as a steak and kidney pie or a steak and onion pie.

The Applicant withdrew the request for species identification and simplified the request to amend the Code to change the definition of meat pie and to add to the proposed editorial note to clarify that the proposed definition would not apply to meat pies containing significant quantities of other foods. The simplified Application is to amend the definition of meat pies to:

'meat pie means a pie containing no less than 250 g/kg of meat flesh'.

There are no public health and safety issues arising from the request to change the definition of meat pies.

Purpose

This Application proceeded to a second round of public comment to allow for further consultation on the simplified request to require that meat pies contain at least 25% meat flesh. Varying the definition of meat pies in Standard 2.2.1 will ensure that meat pies contain a minimum level of meat flesh and will help to prevent reported fraud and deception in the industry. The proposed change will promote fair trading in meat pies and should help to reduce claims about perceived poor practices in this product category.

Decision

FSANZ approves the variation of the definition of meat pies in Standard 2.2.1 – Meat and Meat Products to replace the minimum level for meat at 25% with a minimum level for meat flesh at 25%.

Reasons for Decision

An amendment to the Code to vary the definition of meat pies is approved for the following reasons:

- There are no public health and safety issues arising from the request to change the definition of meat pies.
- The proposed definition will ensure that meat pies contain a minimum level of 25% meat flesh and this will help to prevent reported misrepresentation and deception in the industry.
- The proposed change in the definition of meat pies will promote fair trading in meat pies and should help to reduce claims about perceived poor practices in this product category.

It is proposed that the draft variation come into effect on the date of gazettal.

Consultation

A total of 17 submissions were received in response to the Initial Assessment Report. Four submissions supported Option 1 to maintain the *status quo*. Twelve submissions supported Option 2, to consider amending Standard 2.2.1 – Meat and Meat Products. One submitter stated that they had not reached a position in considering the Application.

The Australian Food and Grocery Council did not support the original Application as it was not consistent with FSANZ's objectives for the review of food regulations. George Weston Foods Ltd also opposed the original Application. The Applicant however, has since provided evidence of support for the simplified Application from a number of meat pie manufacturers, including a major producer of generic brands. The Australian Food and Grocery Council supports the simplified Application however, George Weston Foods Ltd continues to oppose the Application after Draft Assessment.

The jurisdictional responses to the original Application were mixed; with one opposing; another opposing the Application, but suggesting other changes; one opposing the change from meat to meat flesh; and two opposing the requests for species identification.

Some jurisdictions requested reintroduction of former compositional requirements, including a minimum fat requirement and some questioned the enforceability of the definition.

The Applicant undertook a survey of meat pie manufacturers which provided considerable support for the change in the definition of meat pies, with only one negative response to the proposed change from meat to meat flesh.

The Applicant also gained support for the original Application from the Australian Consumers' Association. The Australian Consumers' Association does not believe that the proposed amendments will negatively impact on the industry and can only benefit consumers.

FSANZ is establishing a Standards Development Committee to consider the establishment of a Primary Production and Processing (PPP) Standard for meat products in Australia. As part of this process, FSANZ will also consult widely on the safety of various meat products that are produced by meat processing plants from slaughtered animals. This process will also include reconsideration of the terms 'meat', 'meat flesh' and 'offal'. Some aspects of the original Application will therefore be pertinent to consultation on the PPP Standard and will be addressed in a more comprehensive way by the whole Australian meat industry. New Zealand regulatory agencies will also need to consider the issues raised, as with all the PPP standards.

A total of 23 submissions were received in response to the Draft Assessment Report. Three submissions supported Option 1 to maintain the *status quo*, as they felt the change is not needed. Eighteen submissions supported Option 2, to amend the definition of meat pies in Standard 2.2.1 – Meat and Meat Products. Two submitters complained about meat pies, but did not clearly support or oppose the proposed change to the definition of meat pies to require 25% minimum meat flesh content.

Support for the simplified Application to amend the definition of meat pies to require a minimum level of meat flesh has strengthened, but many of the issues raised in the original Application remain largely unresolved. FSANZ proposes to further address concerns about the labelling of unpackaged foods, the declaration of meat components and methods of analysis for meat in the user guide to meat and meat products.

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INTRODUCTION

Bakewell Foods Pty Ltd, now trading as Mrs Mac's Pty Ltd, lodged an Application with FSANZ on 3 September 2003 to vary the requirements to Division 1 - Interpretation of Standard 2.2.1 – Meat and Meat Products, in the Code.

The Applicant proposed the following definition:

Meat pies means a pie containing meat flesh. A pie may also contain a significant quantity of other foods, for example – vegetables, cheese etc. in which case it is not covered under this definition.

The current definition of a meat pie in Division 1 – Interpretation, of Standard 2.2.1 is:

meat pie means a pie containing no less than 250 g/kg of meat.

The Applicant also requested that Division 2 – Compositional requirements of Standard 2.2.1 be varied by adding the following:

A meat pie must contain –

- (a) No less than 250g/kg of meat flesh; and*
- (b) The species of animal from which the meat is derived must be identified in the ingredients list.*

The Applicant further requested that an editorial note be included as follows:

Editorial Note:

Industry practice generally limits meat to beef or mutton unless otherwise specified. Species clarification will make the information clear to consumers and instil confidence in the product and the industry generally.

The Applicant subsequently simplified the request to amend the Code to change the definition of meat pie and to modify the proposed editorial note to clarify that the proposed definition would not apply to meat pies containing significant quantities of other foods. However, at a later stage, the Applicant agreed to further simplify the Application by omitting this proposed modification to the editorial note. The Applicant also withdrew the request for species identification. The simplified Application is to amend the definition of meat pies to:

meat pie means a pie containing no less than 250 g/kg of meat flesh.

1. Background

It should be noted that this Application does not affect the naming of pies that are specifically named to indicate that they are different to a meat pie, such as a steak and kidney pie or a steak and onion pie.

The Applicant contends that varying the Standard would ensure meat pies only contain meat flesh and would enhance the quality of the product by preventing manufacturers from including ingredients in a fraudulent or deceptive way. The Applicant stated that this would promote fair trading in meat pies.

The Applicant contends that the proposed variations would enhance the reputation of the meat pie manufacturing industry in the eyes of the consumer and believed this to be consistent with the objectives of the FSANZ Act. The Applicant contends that there would not be any negative impact as a result of the proposed changes, nor any negative dietary impact. The Applicant stated that their own internal research demonstrated a concern by consumers with the content of meat pies and that there would be little consequence to margins, competition and employment from this Application.

1.1 Historical Situation

Standard C4 – Meat Pie and Meat and Vegetable Pie, in the former Australian *Food Standards Code* contained requirements relating to meat pie composition. Relevant compositional requirements in the former Standard are listed below.

- (1) *A meat pie that weighs more than 70 g shall contain not less than 250 g/kg of meat.*
- (2) *A meat and vegetable pie shall contain:*
 - (a) *not less than 125 g/kg of meat; and*
 - (b) *not less than 250 g/kg of total meat and vegetables.*
- (3) *Meat in a meat pie shall not contain more than 333 g/kg of fat.*

Regulation 71 – Meat pies in the former New Zealand *Food Regulations 1984* (NZFR), provided compositional regulations for meat pies in New Zealand. The former requirements in NZFR were that the weight of the filling shall not be less than 35% of the weight of the pie, and the ingoing meat content of the filling shall be at least 70% of the weight of the filling.

The Review Proposal P191 – Meat And Meat Products (including Poultry & Game) established Standard 2.2.1. This Proposal reviewed Standard C4 of the former Australian *Food Standards Code*, as well as Regulation 71 within the NZFR. The Proposal established the definitions of meat, meat flesh and meat pies within Standard 2.2.1, amongst many other matters, and sought and received submissions on the proposed new Standard. Standard 2.2.1 was gazetted in December 2000.

The Inquiry Report for Proposal P191 stated that submissions clearly demanded a requirement to ensure minimum meat content in meat pies.

Submissions from stakeholders including consumers, enforcement agencies and industry were considered in P191. Proposal P191 stated that manufacturers of meat pies may be negatively affected if the minimum requirement for meat in a meat pie was removed.

Standard 2.2.1 retains the former requirement for 25% meat content in meat pies (in the total pie including the pastry), to maintain the standard of identity for meat pies manufactured and sold in Australia and New Zealand.

Standard 1.2.10 requires the proportions of the characterising ingredients to be declared on the label. Thus the proportion of apple in apple pie, and vegetables in curried vegetable pie are required to be declared. In the case of a chicken and vegetable pie the percentage of chicken and vegetable are required to be declared if they are characterising ingredients.

Meat was listed as a class name in the former Australian *Food Standards Code* and this provision is retained in Standard 1.2.4 of the Code. Therefore, when included as an ingredient in food, the presence of meat can be declared by the class name 'meat', in an ingredient list. However, it is not mandatory to use the class name meat. An appropriate designation such as beef, lamb, pork or chicken could also be used. This was further outlined in Proposal P143 – Ingredient Labelling; Proposal P156 – The Naming of Foods; and also in Proposal P163 – Representational Issues: Specific Compositional Declarations, which requires that food be suitably named and that the origin, source or species of a food are required to be declared if such omissions would be false, misleading or deceptive.

1.2 Objectives for the Review of Food Standards

FSANZ (formerly the Australia New Zealand Food Authority [ANZFA]) considered the regulations relevant to meat pies in the former Australian *Food Standards Code* and the NZFR, as well as the section 10 objectives of the FSANZ Act (formerly the ANZFA Act) to establish the provisions of Standard 2.2.1 – Meat and Meat Products. FSANZ also developed policy principles in its review of food standards.

The general policy principles behind the review of food standards were to:

- reduce the level of prescriptiveness of standards to provide wider permissions on the use of a range of ingredients and additives to facilitate innovation, where possible, but with attention paid to a possible consequential increase in consumers' informational needs;
- replace standards which regulate individual foods with standards which apply across all foods or a range of foods, where appropriate;
- develop definitional standards in appropriate cases for foods, describing their main definitional qualities to provide a benchmark for industry and consumers;
- retain standards regulating requirements for individual foods only if consistent with the objectives, and where such standards are retained, redrafting them in a tabular format (rather than the current list format) to provide greater ease in reading and understanding and facilitate simpler amendment as required; and
- redraft standards to facilitate greater ease in reading and understanding, and to make amendments more straightforward.

In addition to these broader principles, some specific objectives applied to the review of the food commodity standards. The first of these was to take account of the changes in the food supply over the last twenty years and develop regulatory requirements that reduce the regulatory burden on the food industry. This is intended to encourage greater innovation within the marketplace.

A second objective of the review was to reflect the considerable advances in scientific knowledge in areas such as nutrition, toxicology and allergenicity, and the link between diet and long-term health that is now better understood. This was with the view that incorporation into the new standards of these advances in scientific knowledge should make the food supply safer and healthier.

The final objective was to ensure greater protection for consumers, especially in relation to public health and safety. This was to be achieved through the removal of standards that applied idiosyncratic rules to a limited number of highly controlled foods in favour of standards that applied generic principles to all foods in a diverse and changing market.

1.3 Current Standard

Standard 2.2.1 – Meat and Meat Products includes definitions, compositional and labelling requirements for meat and meat products.

The following definitions are provided by Standard 2.2.1 – Division 1 - Interpretation.

meat means the whole or part of the carcass of any buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep, slaughtered other than in a wild state, but does not include –

- (a) *the whole or part of the carcass of any other animal unless permitted for human consumption under a law of a State, Territory or New Zealand;*
or
- (b) *avian eggs, or foetuses or part of foetuses.*

meat flesh means the skeletal muscle of any slaughtered animal, and any attached -

- (a) *animal rind; and*
- (b) *fat; and*
- (c) *connective tissue; and*
- (d) *nerve; and*
- (e) *blood; and*
- (f) *blood vessels; and*
- (g) *skin, in the case of poultry.*

meat pie means a pie containing no less than 250 g/kg of meat.

There are currently no compositional requirements for ‘Meat Pies’ in Division 2 of Standard 2.2.1.

1.4 Overseas Regulatory Status

There are no apparent definitions in the Codex Alimentarius, the United States Code of Federal Regulations or European Directives for meat pies.

2. The Problem

The Applicant contends that the present Standard relating to the definition of meat pies does not ensure that pies of a sufficient quality are reaching the consumer and that insufficient labelling of the composition of the meat pie leads to misinformation and subsequently lowers the reputation of the baking industry.

The Applicant made a number of requests to amend the requirements for meat pies in the Code to:

- change ‘meat’ to ‘meat flesh’ in the definition;
- provide a compositional requirement for a minimum 25% meat flesh content;
- to exclude pies with meat and other ingredients from the definition;
- to identify the species from which meat is derived; and
- to include an editorial note clarifying that the meat generally used for meat pie manufacture is beef or mutton unless otherwise specified.

The Applicant agreed to simplify the Application to a request a minimum of 25% meat flesh in the definition of a meat pie and to include an editorial note to clarify that pies with other ingredients could be excluded from the proposed definition.

The Applicant requested that under the definition of meat pie the word ‘meat’ should be substituted with the term ‘meat flesh’ to overcome any doubt as to the content of meat pies under the existing standards. The current definitions in Standard 2.2.1 are in section 1.3 above.

The Applicant conducted a survey of meat pie manufacturers and obtained general support for the requested change from meat to meat flesh, with only one negative response. The Australian Consumers’ Association also submitted a letter supporting the Application.

The Applicant agreed following the second round of public comment to further simplify the Application to just amend the definition of meat pies and if necessary, to further clarify the labelling requirements for meat pies within the user guide for meat and meat products.

3. Objectives

The objective of this assessment is to determine whether it is appropriate to amend the definition of meat pies by substituting the words ‘meat flesh’ instead of the word ‘meat’.

The Applicant contends that making the proposed amendment is consistent with the section 10 objectives of the FSANZ Act, specifically the provision of adequate information relating to food to enable consumers to make informed choices, and the prevention of misleading or deceptive conduct.

In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives which are set out in section 10 of the FSANZ Act. These are:

- the protection of public health and safety;
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards;
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

RISK MANAGEMENT

4. Options

Options available are:

Option 1 Maintain the *status quo* and not amend Standard 2.2.1 – Meat and Meat Products.

Option 2 Amend Standard 2.2.1 – Meat and Meat Products by providing a new definition of meat pies.

5. Impact Analysis

5.1 Affected Parties

Parties affected by the options outlined above include:

1. Meat pie manufacturers and retailers.
2. Importers and exporters of meat pies.

3. Consumers of meat pies.
4. Australian, State, Territory and New Zealand Government agencies that enforce food regulations.

5.2 Benefit Cost Analysis

5.2.1 Option 1 – Status quo

This option permits the continuation of the current definition of the meat in meat pies to include a variety of animal parts in addition to meat flesh. While manufacturers inform FSANZ that they only use meat flesh, the current definition of meat has been perceived by some consumers as meaning that meat pies do contain other animal parts. The consequence has been dissatisfaction by some consumers, particularly when prompted by a media article articulating this issue. Occasionally the sales of meat pies have fallen, for a period, following the publication of such articles.

5.2.2 Option 2 – Amend Standard 2.2.1

This option would specify that meat pies contain only meat flesh and would correct the perception of some consumers about the meat content of meat pies. Consumers would be reassured of the content of meat pies and would have no grounds to be dissatisfied on this issue. Under this option media articles would be quite different and it is unlikely that the meat pie manufacturers would lose sales revenues from this source. The meat pie manufacturers assure FSANZ that the change in definition will have no impact on their industry. They would continue to use meat flesh; no costs would be incurred and prices of meat pies would not increase.

5.3 Comparison of Options

It is expected that there would be no negative impacts as a result of the changes proposed in Option 2 of this Application. The concerns of consumers about the content of their meat pies will be addressed. In addition this Application is not believed to impact on business margins, competition or employment.

There is therefore, no basis for considering, that the costs that would arise from amending the definition for meat pies to require meat flesh in place of meat as a result of the Application outweigh the direct and indirect benefits to the community, Government or industry.

COMMUNICATION

6. Communication and Consultation Strategy

6.1 Public Consultation

Seventeen submissions were received in response to the Initial Assessment Report. Four submissions supported Option 1 to maintain the *status quo*.

Twelve submissions supported Option 2, to consider amending Standard 2.2.1 – Meat and Meat Products. One submitter stated that they had not reached a position in considering the Application.

The Australian Food and Grocery Council did not support the original Application as it was not consistent with FSANZ's objectives for the review of food regulations. George Weston Foods Ltd also opposed the original Application. The Applicant, however, has since provided evidence of support for the simplified Application from a number of meat pie manufacturers, including a major producer of generic brands. The Australian Food and Grocery Council supports the simplified Application however, George Weston Foods Ltd continues to oppose the Application after Draft Assessment.

The Australian Consumers' Association wrote to FSANZ in support of this Application on 27 March 2006. The Australian Consumers' Association supported further work on this Application and believed that consumers expect meat in a meat pie to be skeletal muscle, not offal or carcass parts such as snouts, ears, tongue roots, tendons and blood vessels. The Australian Consumers' Association supported amending the definition of meat pies to bring it more into line with consumer expectations and prevent deception. The Australian Consumers' Association also supported species identification in ingredient lists for meat in meat pies.

The Australian Consumers' Association believes this change is consistent with the requirements for sausages that must contain 500 g/kg of fat free 'meat flesh' in Standard 2.2.1. The Australian Consumers' Association does not believe this Application will negatively impact on industry and can only benefit consumers. In the Australian Consumers' Association's experience, the current system of characterising ingredient labelling often fails to provide consumers with adequate information and protection.

The jurisdictional responses to the original Application were mixed with one opposing, another opposing the Application but suggesting other changes, one opposing the change from meat to meat flesh and two opposing the requests for species identification. Some jurisdictions requested reintroduction of the former compositional requirements, including a requirement to limit maximum fat and some questioned the enforceability of the definition.

The simplified Application was circulated for further comment at Draft Assessment to reassess the basis for the previously reported opposition from both industry and jurisdictions. Support for the definitional change to meat flesh strengthened, but many comments were still focussed on other aspects of the original Application.

23 submissions were received in response to the Draft Assessment Report. Three submissions supported Option 1 to maintain the *status quo*, as they felt the change is not needed. Eighteen submissions supported Option 2, to amend the definition of meat pies in Standard 2.2.1 – Meat and Meat Products. Two submitters complained about meat pies, but did not clearly support or oppose the proposed change to the definition of meat pies to require 25% minimum meat flesh content.

FSANZ proposes to establish a Standards Development Committee to consider the development of a Primary Production and Processing (PPP) Standard for meat products in 2007. As part of this process, FSANZ will also consult widely on the safety of various meat products that are produced by meat processing plants from slaughtered animals.

This process will also include reconsideration of the terms ‘meat’, ‘meat flesh’ and ‘offal’. Some aspects of the original Application will therefore be pertinent to consultation on the PPP Standard and will be addressed in a more considered way by the whole Australian meat industry.

6.2 World Trade Organization (WTO) Notification

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

There are no apparent definitions in the Codex Alimentarius, the United States Code of Federal Regulations or European Directives for meat pies.

Amending the Code to change the definition for ‘meat pie’ is unlikely to have a significant effect on trade. Notification was not recommended to the agencies responsible in accordance with Australia’s and New Zealand’s obligations under the WTO Technical Barriers to Trade (TBT) or Sanitary and Phytosanitary Measures (SPS) Agreements.

7. Key Issues raised in Submissions

The original Application requested a number of amendments to Standard 2.2.1. Twelve submissions to the Initial Assessment Report supported amending the Standard. Some offered support for different aspects of the original Application. After Draft Assessment, 18 submissions supported the simplified request to change the definition of meat pies to require a minimum of 25% meat flesh. Many of the comments still relate to other aspects of the Application and to differing perceptions about the content of meat pies.

Three submissions of the four that opposed the Application after Initial Assessment remain opposed to the requested change after Draft Assessment, mainly on the grounds that no change is needed. The Australian Food and Grocery Council changed its position and supported the revised Application, as the definitional change is consistent with industry practices and consumer expectations, and unlikely to add costs or restrict innovation.

The revised Application requested a change the definition of meat pies to require a minimum of 25% meat flesh instead of the current requirement for 25% meat and to amend the editorial note to clarify requirements for pies with significant quantities of other foods¹.

The comments raised by submitters are summarised under the following key issues:

7.1 Meat or Meat Flesh

7.1.1 Initial Assessment

George Weston Foods, the NSW Food Authority, SA Department of Health, the Australian Food and Grocery Council and the New Zealand Food Safety Authority all opposed the proposed amendment to the definition of meat pie from ‘meat’ to ‘meat flesh’.

¹ This requested amendment to the editorial note has subsequently been withdrawn.

The NSW Food Authority considered that the proposed definition is contrary to the principles and objectives in the review of the Code to permit innovation and enable consumer choice. The Australian Food and Grocery Council also commented that the suggested amendment would result in more prescriptive regulation and reduced flexibility. These submitters suggested that the issues raised by the Applicant are best addressed by labelling or advertising to indicate superior quality and content.

The Australian Food and Grocery Council stated that the current definition allows for broad permission for manufacturers in sourcing meat. Also, the current Standard permits qualified statements that can be used to differentiate between different cuts and types of meat.

The SA Department of Health commented that the proposed amended definition does not provide additional information to the consumer and that clause 4 of Standard 2.2.1 contains relevant provisions for the declaration of offal. It also suggested that changing the definition to 'meat flesh' would mean that traditional products could no longer be considered a 'meat pie'.

The Victorian Department of Human Services, the Baking Industry Association of Victoria, the Chamber of Commerce and Industry WA, Mr Anthony Dean, the National Council of Women, Mr Desmond Sibraa, Coles Myer Ltd and the Dietitians Association of Australia all supported the proposed amendment to the definition of meat pie, to enhance product quality, increase consumer confidence and promote fairer trading in the meat pie sector. The Food Technology Association of Victoria suggested that the current definition should be changed, as by accepted convention, a definition of a term cannot contain that same term as part of the description.

While supporting an amendment to Standard 2.2.1, Queensland Health suggested an alternate definition of meat pie, namely: *a pie which included the word 'meat' or a term having a similar effect anywhere in its appropriate designation is a product consisting of a filling based on cooked meat encased wholly or substantially in pastry.* The Victorian Department of Human Services also suggested that a meat pie is better defined as a pastry casing (as opposed to a pie) containing meat.

7.1.2 Draft Assessment

George Weston Foods, the NSW Food Authority and the SA Department of Health remain opposed to the proposed amendment to the definition of meat pie from 'meat' to 'meat flesh'. All consider the requested change is not necessary to meet FSANZ's primary objectives.

George Weston Foods contends that the proposed change relates to quality assurance and market protection, but believes that there will be little impact regarding media criticism of meat pies. The NSW Food Authority comments that there is no evidence provided that meat flesh as opposed to meat represents higher quality to consumers. The NSW Food Authority states that the revised definition would be difficult to enforce, that there is a labelling anomaly in the Code regarding the declaration of offal as meat and suggests that new provisions for steak and kidney pies will be required. The NSW Food Authority acknowledges that not all of these issues can be resolved in the context of this Application. The SA Department of Health believes that changing the definition to manage public perceptions is inappropriate use of legislation and questions the practical implications of the change.

The Australian Food and Grocery Council on the other hand, now supports the revised Application as consistent with industry practices and consumer expectation. The Australian Food and Grocery Council now sees additional costs or restrictions on industry as unlikely consequences. This view is supported by industry submissions, apart from George Weston Foods submitting for their pie manufacturer in New Zealand.

The Australian Food and Grocery Council concedes that media criticism could continue as meat components, including offal, above the 25% minimum meat flesh level would still be permitted and requests an amendment to the editorial note to clarify that gelatine and meat-derived stock could be present.

The Australian Consumer's Association, submitting as CHOICE, contends that the change to meat flesh is consistent with FSANZ's second and third objectives and believes the proposed change brings the definition more into line with consumer expectations and will prevent deception. This change is also more in line with the current requirement for sausages by referring to meat flesh.

The New Zealand Food Safety Authority now agrees to the revised Application but believes further work is required. The New Zealand Food Safety Authority interprets the current 25% minimum meat content for meat pies as applying to the ingoing ingredients rather than the cooked, final product composition. The New Zealand Food Safety Authority suggests that there are enforcement and compliance issues and requests guidance in an editorial note or the user guide regarding significance of other foods and the calculation of meat, including offal.

Mr Peter Bush, a food consultant, supports the change to the definition but raises concerns about the current analyses for meat in meat pies and possible future interpretations of meat flesh as lean skeletal muscle.

Queensland Health supports the proposed definitional change and points out that other names can be used for variations to meat pies. Queensland Health considers however, that the suggested wording could allow a pie containing meat and other foods to be called a meat pie but be exempt from compositional regulation.

The NSW Food Authority suggested that there is an anomaly in the Code regarding the declaration of ingredients for meat where no conditions are specified and the requirement to declare the presence of some types of offal, if present.

Submissions from individual consumers generally support the definitional change but request 30, 40, 50, 80 and 100% meat flesh. Consumer comments also complain about the amount of pastry and deceptive methods of decreasing the meat content of meat pies.

7.1.3 Evaluation

The Applicant simplified their original definition of meat pie to:

meat pie means a pie containing no less than 250 g/kg of meat flesh.

This Application is not about public health and safety and there are disparate views on whether FSANZ's objectives relating to consumer information and misleading or deceptive conduct are being met.

Whilst acknowledging that the current regulation does not prevent meat pies from containing meat flesh, FSANZ considers that the proposed definition will ensure that meat pies contain a minimum level of meat flesh and that this will help to prevent reported misrepresentation and deception in the industry.

The definition of meat in the Code includes any part of the carcass, including non-skeletal muscle, such as heart and offal, such as kidney. The definition of meat flesh in the Code is more restrictive and would not include these meats. The submissions from industry indicate that there will be no actual change to industry practices related to the manufacture of meat pies. The submissions from the jurisdictions indicate that there are many different interpretations about how the requirements for meat pies in the Code should be enforced. FSANZ proposes to address the enforcement issues relative to meat in meat pies within the user guide for meat and meat products.

The proposed change will promote fair trading in meat pies and should help to reduce claims about poor practices in this product category.

7.2 Compositional Requirements

7.2.1 Initial Assessment

The Baking Industry Association of Victoria opposed the proposal to establish compositional requirements more generally for meat pies on the basis that this would be overly restrictive and current labelling requirements are sufficient and allow flexibility.

The Chamber of Commerce and Industry WA commented that consumers can currently be exposed to misinformation through labelling and therefore supported the proposal to include compositional requirements.

Queensland Health and The Environmental Health Association (Australia) supported the proposed compositional requirements on the basis that compositional labelling information is often not effectively available in relation to unpackaged meat pies, and therefore product quality needs to be regulated. The Australian Food and Grocery Council commented that the potential issue relating to misinformation relates to unpackaged products. In this regard, the Environmental Health Association (Australia) and the Australian Food and Grocery Council both suggested that, for unpackaged meat pies, consideration should be given to requiring the display of characterising ingredients at the point of sale.

Queensland Health stated that minimum meat and maximum fat content should be regulated for nutritional reasons, recommending a maximum of one part in three of fat. They suggested a compositional requirement that ‘such a pie shall not contain less than 250 g/kg of meat unless non-meat foods are also named in the appropriate designation and that the meat shall be in the form of meat flesh unless another meat product is specified’. Mr Desmond Sibraa also agreed that compositional requirements should be specified to prevent deceptive practices such as the addition of other food or food additives to meat pies and to limit the fat content.

Queensland Health and the Victorian Department of Human Services also supported specific compositional requirements for meat pies on the basis that definitional standards are not enforceable.

The New Zealand Food Safety Authority suggested that it should be made clear that the current requirement should be clarified to mean 25% ingoing meat, as was the case in the NZFR. The NSW Food Authority noted its preference for the current Code structure and suggested that the enforceability issue could be addressed by way of further clarification in the Standard. However, it supported the reinstatement of a maximum fat content in the definition of meat, as was included in the former Australian *Food Standards Code*.

Further support for compositional requirements came from the Dietitians Association of Australia and the Food Technology Association of Victoria.

7.2.2 *Draft Assessment*

The revised Application is to require a minimum of 25% meat flesh within the definition of meat pies, with no compositional provision. Many submissions in response to the Draft Assessment commented on the practical implications of this requirement as meat flesh is a narrower definition than that for meat. The addition of other ingredients, including kidney and gelatine to meat pies would not be prohibited by this definition for a meat pie containing more than 25% meat flesh. Similarly pies not meeting the 25% minimum meat flesh content, whether they contained other foods or not, would not be prohibited by the definition, but such pies could not be labelled as meat pies.

The New Zealand Food Safety Authority reiterated its earlier comment that the requirement is for ingoing meat content.

CHOICE points out that there is a current requirement for the minimum meat flesh content of sausages. Some submissions suggested reinstating the requirement for a maximum fat limit for meat pies, consistent with that for sausages. CHOICE claims that characterising ingredient labelling fails consumers.

Peter Bush comments that declaring 25% meat flesh could be interpreted to not include any fat and that there are already discrepancies in reported meat contents from Australia's leading analysts, understating levels of meat in meat pies.

7.2.3 *Evaluation*

Since the Initial Assessment Report was prepared, the Applicant agreed to a simplified definition of meat pies to incorporate a compositional requirement for 25% meat flesh, rather than the establishment of a separate clause to address compositional requirements for meat pies.

This approach is consistent with the policy principles and objectives for the review of food standards, specifically, to reduce prescriptiveness, to foster innovation in the food industry and to develop definitional standards where appropriate. Many of the comments relate to the previous regulations.

The requirement in the former NZFR specified the 'ingoing meat content' of the filling to be at least 70%, but the filling content of a meat pie was specified as at least 35% of the final pie weight. For enforcement purposes, the New Zealand Food Safety Authority can still assess the ingoing ingredients for the filling, but calculation of losses and yields will still be required to assess the meat flesh content in the final pie.

The practical implication and enforcement questions posed should be applicable to the current regulation for a minimum meat flesh level in sausages.

In terms of the issue of consumer information, FSANZ considers that the ingredient labelling, nutrition labelling and characterising ingredient labelling provisions in the Code provide consumers with adequate and appropriate information to assess the nutritional and quality aspects of the packaged product.

Many of the problems raised are associated with unpackaged meat pies due to the absence of this labelling. Meat pies at sporting events are now often packaged and labelled and most of the products in pie shops are not actually labelled as 'meat pies'.

It is acknowledged that there is a potential information gap in relation to all unpackaged products. This issue is outside the scope of this Application and would need to be considered as part of a separate application or proposal regarding labelling of unpackaged foods.

FSANZ is currently conducting a Draft Assessment of Proposal P272 – Labelling Requirements for Food for Catering Purposes and Retail Sale. The purpose of Proposal P272 is to provide clarity and greater certainty on the interpretation and application of labelling and other information requirements by amending Standard 1.2.1 – Application of labelling and Other Information Requirements of the Code and other standards with clauses connected to Standard 1.2.1.

In preparing this Proposal, it is FSANZ's intention to address issues of interpretation and application, and not to re-open matters of broad regulatory policy considered during the development of Standard 1.2.1.

There are several issues considered in this Proposal, which include the labelling of food for retail sale including the definition of the term 'food for retail sale'; the application of exemptions, including food other than in a package; and the information requirements which apply when food for retail sale is exempt from labelling.

The Draft Assessment Report for Proposal P272 was released for public comment in December 2006. However, submissions closed on 21 February 2007. The Draft Assessment Report can be viewed on the FSANZ website.

The issue involving enforcement of compositional requirements within definitional standards was addressed within Proposal P302 – Minor Amendments Omnibus VI. P302. Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Provisions, was amended to include clause 7 as follows:

Interpretation of compositional provisions

A reference to a compositional permission or requirement in this Code is a reference to the composition of the final food, unless expressly stated otherwise.

Compositional aspects within definitions in the Code are therefore now enforceable.

There is already a precedent for pies not meeting the 25% meat flesh requirement in the case of 'party pies' which may not meet the current 25% requirement for minimum meat content.

The specific exemption from the definition for meat pies that weighed less than 70 grams was deleted from the Code in the review of food standards as such products could be named other than as meat pies.

7.3 Other Ingredients

7.3.1 Initial Assessment

The NSW Food Authority considered that the exclusion of considerable amounts of other foods from the definition of meat pie conflicts with the Applicant's proposed definition that includes any pie containing meat flesh. The Food Technology Association of Victoria questioned the definition of the term 'significant quantity' and suggested that an actual figure be included in the Standard.

The Australian Food and Grocery Council commented that the proposed definition would mean that meat and vegetable pies would be classified as a meat pie and subsequently require a minimum of 25% meat content.

7.3.2 Draft Assessment

The Draft Assessment Report suggested an Editorial note to clarify that other provisions in the Code already mean that the proposed definition of meat pie does not apply to meat pies that contain significant quantities of other foods. The Editorial note was intended to clarify that the minimum 25% meat flesh requirement would apply only to pies that do not contain significant quantities of other ingredients.

Several submissions, however, questioned the quantum considered as significant for other foods within the suggested Editorial note. Submissions requested further clarification of the practical implications of the proposed definitional change relating to the presence of foods other than meat flesh.

Consumer submissions complained about other ingredients in meat pies, generally requesting higher meat contents, less pastry, better ingredient labelling, less use of preservatives and protection from possibly lethal ingredients.

7.3.3 Evaluation

After the Initial Assessment Report was released for comment, the Applicant agreed to simplify the request regarding regulation of the addition of significant amounts of other ingredients to meat pies.

The wording of the Editorial note proposed in the Draft Assessment Report was questioned as to the quantum of another food that would be significant. Furthermore, the requested amendment to the editorial note has now been withdrawn. FSANZ therefore proposes not to amend the Editorial note and to further address the issue of how much of an ingredient is significant in the user guide to meat and meat products.

7.4 Species Identification

7.4.1 Initial Assessment

Queensland Health, the NSW Food Authority, the SA Department of Health, the Victorian Department of Human Services and the Australian Food and Grocery Council all opposed the proposal to identify the animal species in the ingredient list. The NSW Food Authority and SA Department of Health noted that manufacturers currently have the option of advertising/promoting the animal species of meat used in a product. The SA Department of Health and the Victorian Department of Human Services considered that the current labelling requirements are sufficient to enable informed consumer choice. The NSW Food Authority also commented that species identification is not a requirement for any other product containing meat and considered that the claims of industry protection are unjustified.

The Australian Food and Grocery Council commented that the Standard would become unnecessarily complicated, expensive testing would be required by enforcement agencies and there may be contamination issues when different types of meat are processed on the same equipment.

The Western Australian Food Advisory Committee considered that the mandating of meat species will provide certainty and enhance consumer confidence, however, it could create additional costs for industry due to label changes and also prevent the use of other recognised meats in manufacture. It also commented that the Code permits voluntary label declarations which can benefit consumers.

The New Zealand Food Safety Authority, Coles Myer Ltd, the Dietitians Association of Australia and the Food Technology Association of Victoria all supported the proposal to identify meat species in the ingredient list to promote consumer choice and help prevent misleading or deceptive conduct in industry.

7.4.2 Draft Assessment

CHOICE, Coles Myer Ltd and the Dietitians Association of Australia maintain that consumers should be able to identify the animal species in the ingredients list of meat pies. Balfours Pty Ltd requests regulations requiring beef or mutton in pies and species identification for other meat sources.

The NSW Food Authority rejects the need for species identification as it is inconsistent with requirements for other meat products and points out that manufacturers can promote the animal species used if they so desire. The SA Department of Health believes manufacturers can deal with negative perceptions by declaring 100% beef as McDonalds does. Queensland Health points out that there is a precedent for mince meat so legislation for species identification is not necessary.

7.4.3 Evaluation

The Applicant withdrew the original request that the animal species be identified in the ingredient list. This aspect of the Application is therefore no longer relevant but is still the source of much comment, extending to comments about quality preferences.

As discussed under section 1.1, the ingredient labelling provisions in clause 4 of Standard 1.2.4 in the Code provide manufacturers with the option of declaring the presence of meat by its class name 'meat', or alternatively by using its common name, or a name that describes the true nature of the ingredient, for example, beef, lamb, pork or chicken.

7.5 Types of Meat

7.5.1 Initial Assessment

The Chamber of Commerce and Industry WA supported the inclusion of the proposed editorial note to clarify that meats used are beef or mutton unless otherwise specified. The Environmental Health Association (Australia), also agreed with the Applicant's concerns regarding the possible use of meat from animals other than cattle or sheep and that consumers have an expectation that meat in a meat pie is from either cattle or sheep unless otherwise stated.

The NSW Food Authority and the New Zealand Food Safety Authority noted that the proposed amendment to the definition to require 25% meat flesh does not exclude the addition of offal to pie filling, as suggested by the Applicant.

The NSW Food Authority also commented that provisions would need to be made in the Code for meat pies containing offal, for example, in the case of a steak and kidney pie, clarification is required regarding the 25% meat flesh requirement and whether it applies to the 'steak' component only or the combined 'steak and kidney' components.

The NSW Food Authority stated that clarification is required in the Standard in relation to those parts of the carcass that could possibly be used in products that are not defined as 'offal' but would fit under the definition of 'meat'.

7.5.2 Draft Assessment

Some of the consumer comments relate to a preference for beef and acceptance of beef or mutton as ingredients for meat pies. Coles Myer makes a distinction between qualities within a species, for mutton versus lamb, within their comment about allowing consumers to make informed purchase decisions. The Australian Food and Grocery Council notes that a pork pie would have to meet the meat flesh requirements although traditional pork pies may contain other meat-derived ingredients such as gelatine or stock.

The NSW Food Authority noted a possible contradiction between clause 4 of Standard 1.2.4, which permits the use of the generic name 'meat' and clause 4 of Standard 2.2.1, which requires that the specific type of offal or the class name 'offal' must be declared on the label. The NSW Food Authority recommended that Standard 1.2.4 be amended in line with Standard 2.2.1.

7.5.3 Evaluation

FSANZ acknowledges that there are aspects of Standard 2.2.1 which require further clarification, but are not within the scope of this Application. A limitation of the review of food standards for meat and meat products was that it could not address the slaughter of animals or the operation of abattoirs for different animals.

FSANZ proposes to commence work on the Primary Production and Processing (PPP) Standard for meat and meat products in Australia.

As part of this process, the definitions of ‘meat’ ‘meat flesh’ and ‘offal’ will be reconsidered, as well as the handling and treatment of products as food, offal, pet food and by-products from various meat processing plants. This process will provide a mechanism, which will involve the whole meat industry in Australia, to further discuss some of the concerns raised by submitters in relation to the possible content of meat pies. As with the other PPP standards, New Zealand regulatory agencies will also need to consider the issues raised.

Support for the simplified Application to amend the definition of meat pies to require a minimum level of meat flesh has strengthened, but many of the issues raised in the original Application remain largely unresolved. FSANZ proposes to further address concerns about the labelling of unpackaged foods, the declaration of meat components and methods of analysis for meat in the user guide to meat and meat products.

CONCLUSION

8. Conclusion and Decision

Decision

FSANZ approves the variation of the definition of meat pies in Standard 2.2.1 – Meat and Meat Products to replace the minimum level for meat at 25% with a minimum level for meat flesh at 25%.

An amendment to the Code to vary the definition of meat pies is approved for the following reasons:

- There are no public health and safety issues arising from the request to change the definition of meat pies.
- The proposed definition will ensure that meat pies contain a minimum level of 25% meat flesh and this will help to prevent reported misrepresentation and deception in the industry.
- The proposed change in the definition of meat pies will promote fair trading in meat pies and should help to reduce claims about perceived poor practices in this product category.

It is proposed that the draft variation come into effect on the date of gazettal.

ATTACHMENTS

1. Draft variations to the *Australia New Zealand Food Standards Code*
2. Summary of Submissions after Initial Assessment
3. Summary of Submissions after Draft Assessment

Draft variations to the *Australia New Zealand Food Standards Code*

To commence: on gazettal

[1] *Standard 2.2.1 of the Australia New Zealand Food Standards Code is varied by omitting from clause 1 the definition of meat pie, substituting –*

meat pie means a pie containing no less than 250 g/kg of meat flesh.

Summary of Submissions after Initial Assessment

A total of 17 submissions were received in response to the Initial Assessment Report. Four submissions supported option 1 to maintain the *status quo*. Twelve submissions supported option 2, to consider amending Standard 2.2.1 – Meat and Meat Products. One submitter stated that they had not reached a position in considering the Application.

Submitter	Comments
George Weston Foods Ltd	<ul style="list-style-type: none"> • supports Option 1 – maintenance of <i>status quo</i>; • does not support Option 2 to accept Application; • change to definition unnecessary; • change considered probably cost neutral as species is already identified on current packaging, as long as additional testing is not required e.g. DNA testing.
NSW Food Authority	<ul style="list-style-type: none"> • supports Option 1 - maintenance of <i>status quo</i>; • issues are best addressed by ensuring provision of adequate information to consumer; • considers proposed definition to be in contrast to the principles of the Code to permit innovation and enable consumer choice; • suggestion by applicant that pies that include considerable amounts of other foods would not be included in the standard is seen to conflict with proposed definition that would seem to include any pie containing meat flesh; • prefers existing structure of Code with an amendment to clarify that definitional standards are enforceable; • considers the possible inclusion of fat under current definition of meat to be a valid issue, and would support reinstatement of a maximum fat content as was included in the previous standard; • rejects proposal to identify animal species in ingredient list, as is not a requirement for any other product containing meat and claims of industry protection are unjustified. Notes that manufacturers are free to promote animal species if so desired; • calls for clarification of the declaration of parts of carcass other than meat flesh (included in the current definition of meat) that may possibly be used in products that are not covered under Clause 4, and therefore not declared; • notes a contradiction between Standard 1.2.4 clause 4 and Standard 2.2.1 clause 4, and is of the view that Standard 2.2.1 clause 4 is preferred and Standard 1.2.4 should be amended; • suggests provisions in the Code for meat pies containing offal (e.g. steak and kidney pie) would be required if definition is amended to ‘meat flesh’; • notes requirement of pie to contain 25% meat flesh does not exclude addition of offal to pie filling as suggested by applicant.

Submitter	Comments
SA Department of Health, Food Section	<ul style="list-style-type: none"> • supports Option 1 - maintenance of <i>status quo</i>; • Proposal to amend definition adds nothing for the consumer, declaration of offal on the label or to customer at time of purchase is included under Standard 2.2.1 clause 4; • suggests changing definition to ‘meat flesh’ would remove traditional products out of the standard as would not be considered a ‘meat pie’; • considers declaration of animal species unnecessarily restrictive; • current labelling requirements, along with use of the term ‘meat’ as currently defined in Code is sufficient to enable informed consumer choice. Notes manufacturer is currently free to advertise/promote animal species of meat used in a product; • considers promotional activity and statements a better way to increase consumer awareness of product quality as additional regulation will restrict varieties of the same product sold by other manufacturers.
Australian Food and Grocery Council	<ul style="list-style-type: none"> • supports Option 1 - maintenance of <i>status quo</i>; • the suggested amendment would result in more proscriptive regulation with reduced flexibility in meeting product requirements; • the proposal redefines meat pies in a way that provides less information to consumers where the pie consists of other food; • the suggested amendment would result in significantly increased costs for enforcement agencies with no consumer benefit in health or safety of the product; • notes that current labelling requirements apply to packaged product, with unpackaged meat pies being exempt from declaring the characterising ingredient, and suggests the issue of greater concern is this lack of information provided with unpackaged product affecting consumer perception and expectation. Suggests consideration be given to display of percentage characterising ingredients at point of retail sale; • notes the concerns of the applicant regarding the possible use of meat other than beef or mutton under the current definition, and that consumers have an expectation that meat in a meat pie is from either cattle or sheep unless otherwise stated; • rejects the proposal that the animal species from which the meat is derived be listed on the ingredients, noting that this would unnecessarily complicate the standard and require expensive testing by enforcement agencies, as well as contamination issues when different types of meat are processed through the same equipment. • rejects the proposed change to the definition of a meat pie as such a definition would cause meat and vegetable pies to be classified as a meat pie and subsequently require a minimum of 25% meat content. Furthermore, there is potential for consumer misinformation if the class name ‘meat pie’ were to apply to pies that contain a mixture of foods unless there is a mandatory declaration of characterising ingredients; • rejects that there is a need to redefine the meat pie to limit the meat used to meat flesh, the current standard permits qualified statements that can be used to differentiate between different cuts and types. The current definition allows for broad permission for manufacturers in sourcing meat and there is no significant concern regarding mixing or blending meat from different species; • suggests an alternative to amending regulation is to indicate superior quality and content by amending labelling and advertising.

Submitter	Comments
Victorian Dept of Human Services	<ul style="list-style-type: none"> • supports Option 2 – consider amendment of Standard 2.2.1; • no objection to proposed requirement for meat pie to contain ‘meat flesh’ instead of ‘meat’; • second sentence of definition confusing and unnecessary; • no justification for requiring species be identified, characterising ingredient requirements are sufficient; • editorial note considered unnecessary; • suggests meat pie better defined as a pastry casing (not pie) containing meat; • supports compositional requirements being placed in Div. 2 of Std. 2.2.1. Current placement in a definition is not enforceable.
Baking Industry Assoc. of Victoria	<ul style="list-style-type: none"> • supports Option 2 – consider amendment of Standard 2.2.1; • supports change to definition and proposes to include species “beef or mutton” in definition as well as percentage meat; • does not consider there to be a need to establish compositional requirements for meat pies - considers current labelling/nutritional requirements to be sufficient while still allowing flexibility and efficiency; • suggests that the meat industry should be consulted; • changes to compositional requirements would be overly restrictive and may result in duplicating current arrangements • would be cost effective to include beef or mutton flesh in the definition.
Chamber of Commerce and Industry Western Australia	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • agrees that amendment of the Standard will enhance product quality as will ensure product contains only meat flesh; • will prevent manufacturers from including ingredients in a fraudulent or deceptive way; • supports change to Division 2 to include compositional requirements, as currently consumers can be exposed to misinformation in relation to quality through labelling; • suggests poor product quality can lead to loss of consumer confidence in the baking industry; • supports inclusion of the suggested Clause 4 as well as the suggested linked editorial note.
Desmond N Sibraa (Solicitor-Barrister-Food Safety Consultant)	<ul style="list-style-type: none"> • supports Option 2 – consider amendment of Standard 2.2.1; • considers the former Standard C4 of the Food Standards Code to have been easily accessible and understandable, and properly enforceable; • considers current standard to be ‘a description at best’, not ‘user-friendly’ and completely unenforceable and suggests that all law must be ‘clear, unambiguous and easily enforceable’; • current standard does not specifically permit, but allows for addition of other food or food additives to meat pies such as soy protein added to deceptively increase results for meat content on analysis; • party pies would not meet requirement of 250g/kg meat content due to increased ratio of pastry to meat, with this being overcome in old standard as did not apply to pies under 70g; • suggests that no consideration is currently given to limit fat content and that fat could be defined as meat under the current definition of meat; • supports change to definition to read ‘meat flesh’ as current situation allows for use of other components other than skeletal muscle and suggests consumers expectation is that a meat pie contains skeletal muscle; • suggests absence of limits on minimum meat and vegetable content means that meat and vegetable pies are not regulated;

Submitter	Comments
	<ul style="list-style-type: none"> • suggests that ‘unscrupulous traders’ will take advantage of the current situation where the standard is unenforceable to make ‘illicit profits to the detriment of honest traders’;
New Zealand Food Safety Authority	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • supports change to identify meat species by common name in the ingredients list, creating consumer awareness, and suggests should relate to meat in all products; • see no benefit in change to wording as ‘meat flesh’ over meat; • suggest that inclusion of other components included under definition of meat flesh would not prevent manufacture of poor quality fillings; • problems with suggested definition as does not include offal, leading to problems with compositional requirements in relation to products such as steak and kidney pie; • does not support change to 250g/kg (25%) meat content as this is accepted in industry, but it should be made clear that this applies to the ingoing weight of meat, not the cooked weight. This point should also be in the User Guide. • the Nutrition Information Panel provides nutrition and quality information for consumers. • consider the implications, including costs and benefits of requested changes.
Queensland Health, Environmental Health Unit	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • suggests that meat pies are an important food item in Australia and NZ and their composition should be controlled; • as compositional information is often not effectively available to consumers in relation to unpackaged meat pies, minimum product quality needs to be regulated; • advises that regulation by definition presents a problem with enforcement and that a compositional standard is required; • in consideration of good nutrition, minimum meat and maximum fat content should be controlled as is required for sausages; • in initial assessment report the old code was quoted incorrectly, C4 of old code said that “a meat pie that weighs more (not less as quoted) than 70g” • considers the suggested wording of standard is not adequate as could allow for a pie containing other foods to still be called a meat pie but be exempt from compositional regulation; • suggested definition that ‘a pie which includes the word “meat” or a term having a similar effect anywhere in its appropriate designation is a product consisting of a filling based on cooked meat encased wholly or substantially in pastry’; • suggested compositional requirement that “such a pie shall not contain less than 250g/kg of meat unless non-meat foods are also named in the appropriate designation and that the meat shall be in the form of meat flesh unless another meat product is specified”; • addition of requirement that meat in pies shall not consist of more than one part in three of fat; • rejects suggestion to identify species of animal in ingredients list.

Submitter	Comments
Anthony Dean	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • supports proposal of a different definition and inclusion of compositional requirements as will benefit consumer to have more information on food purchased; • will encourage a higher standard of food production.
National Council of Women of New Zealand	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • supports redrafting to facilitate greater ease in reading and understanding; • supports clearer labelling, in particular clarification of fat content by including on label; • considers need to change definition as a result of increase in fast foods; • expressed concern that amendment of standard will lead to increased cost of pies to consumer, suggested that superior products would be repaid by increased sales; • notes that current labelling requirements in the Code address many of previous concerns, but that labelling must be constantly under review due to advances in technology.
Coles Myer Ltd	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • agrees that changing definition will promote fairer trading in meat pies and increase consumer confidence in this food sector; • current labelling requirements in the Code don't appear to address the issues raised by the applicant; • class name 'meat' doesn't indicate the true nature of the food, suggest that consumers would prefer to know the species of meat used, would allow a more informed purchase decision by consumer and help prevent misleading or deceptive conduct in industry; • costs associated with amending product labels are not considered unreasonable, suggesting changes could be made at the same time as other labelling/packaging amendments providing a phase in period of 2 years.
Dietitians Association of Australia, Food Standards Advisory Committee	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • change to definition of meat pies to include 'meat flesh' would be more consistent with consumer expectation and prevent use of inferior parts of animals in these products; • supports the inclusion of animal species in ingredients list as will support consumer choice; • believes changes to the definition and to include compositional requirements will allow for further information and greater choice for consumers.
The Environmental Health Association (Australia)	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • notes that current definition does not exclude addition of other ingredients, however these may determine the declaration of the name of the food and the percentage characterising ingredient labelling required; • notes that current unpackaged meat pies are exempt from declaring the percentage of the characterising ingredient and contends that the greater issue is the lack of information provided with unpackaged meat pies rather than packaged meat pies; • suggests that consideration be given to require display at the point of retail sale of percentage characterising ingredients; • agrees with concerns of the applicant regarding the possible use of meat from animals other than cattle or sheep under the current definition, and that consumers have an expectation that meat in a meat pie is from either cattle or sheep unless otherwise stated.

Submitter	Comments
Food Technology Association of Victoria Inc.	<ul style="list-style-type: none"> • supports Option 2 - consider amendment of Standard 2.2.1; • questions as to how the term 'significant quantity' in the proposed definition is to be defined, suggests the Standard should contain an actual figure; • suggests the current definition requires a change as by accepted convention a definition of a term cannot contain that same term as part of the description; • agrees with the proposed clause 4 in relation to composition, except for a slight change to "the species of animal or animals ..."; • the proportion of beef and/or mutton should be left to the discretion of the meat pie manufacturer provided minimum level of 250g/kg is maintained and declarations made in ingredients list due to fluctuations in price, availability, seasonal variation etc.
Western Australian Food Advisory Committee	<ul style="list-style-type: none"> • has not reached a position at this stage; • identification of the meat species will provide certainty and enhance consumer confidence, but could create additional expense for industry in amending labels and also by preventing use of other recognised meats in manufacture; • the current Code enables voluntary declarations by a manufacturer should that be seen as a trade advantage, consumers will also benefit from such a declaration;

Summary of Submissions after Draft Assessment

A total of 23 submissions were received in response to the Draft Assessment Report. Three submissions supported Option 1 to maintain the *status quo*, as they felt the change is not needed. Eighteen submissions supported Option 2, to amend the definition of meat pies in Standard 2.2.1 – Meat and Meat Products. Two submitters complained about meat pies but did not clearly support or oppose the proposed change to the definition from meat to meat flesh.

Submitter	Comments
George Weston Foods Ltd	<ul style="list-style-type: none"> • does not support the Application; • does not manufacture meat pies in Australia but markets a range of chilled or frozen lunch pies and sausage rolls in New Zealand; • contends that the change to definition of meat pies is not necessary to meet FSANZ's 3 primary objectives; • contends the proposed amendment could be considered to relate to quality assurance or market protection rather than providing consumers with information to make informed choices; • believes the proposed changes will have little impact on reducing the opportunity for media criticism of the industry as bone, hide and skin are not prohibited as ingredients; • enquired about the quantity of an ingredient in a meat pie that is considered as significant; • supports the need to address the information gap for unpackaged products but contends that no labelling change for packaged pies is required anyway.
NSW Food Authority	<ul style="list-style-type: none"> • supports Option 1 - maintenance of <i>status quo</i>; • opposes the Draft Assessment Report conclusion as it is inconsistent with FSANZ's objectives and it will be difficult to enforce; • considers the proposed definition to be in contrast to the principles of the Code to permit innovation and enable consumer choice; • contends that the suggestion by the Applicant that pies which include considerable amounts of other foods would not be included in the standard is seen to conflict with proposed definition that would seem to include any pie containing meat flesh; • comments that there is no evidence put forward to justify that meat flesh represents higher quality to consumers than meat; • considers the possible inclusion of fat under current definition of meat to be a valid issue, and would support reinstatement of a maximum fat content as it was included in the previous standard; • rejects proposal to identify animal species in ingredient list, as this is not a requirement for any other product containing meat and claims of industry protection are unjustified; • notes that manufacturers are free to promote the animal species used for meat pies if they so desire; • calls for clarification of the declaration of parts of carcass other than meat flesh (included in the current definition of meat) that may possibly be used in products that are not covered under Clause 4, and therefore not declared; • notes a contradiction between Standard 1.2.4 clause 4 and Standard 2.2.1 clause 4, relevant to the declaration of offal as meat and is of the view that Standard 2.2.1 clause 4 is preferred and Standard 1.2.4 should be amended;

Submitter	Comments
	<ul style="list-style-type: none"> • suggests provisions in the Code for meat pies containing offal (e.g. steak and kidney pie) would be required if definition is amended to ‘meat flesh’; • notes that the requirement for meat pies to contain 25% meat flesh does not exclude addition of offal to pie filling as suggested by the Applicant. • recognizes that not all of these issues can be resolved in the context of this Application.
SA Department of Health, Food Section	<ul style="list-style-type: none"> • supports Option 1 - maintenance of <i>status quo</i>; • believes changing the definition for the purpose of managing public perceptions is an inappropriate use of the legislation; • believes that manufacturers can deal with perceived negative perceptions as with McDonalds’ claim for 100% beef; • questions the practical implications for steak and onion pies and steak and kidney pies which are not covered by the proposed standard.
Australian Food and Grocery Council	<ul style="list-style-type: none"> • supports the amended Application; • states that the proposed changes are; <ul style="list-style-type: none"> ○ consistent with industry practices; ○ consistent with consumer expectation of a minimum meat flesh content; ○ unlikely to add additional costs to industry; and ○ unlikely to reduce the opportunity for product innovation and development. • notes the proposed changes will have little impact on reducing the opportunity for criticism of the industry as meat other than meat flesh, including, bone, hide and skin are permitted, provided that the minimum 25% meat flesh is present; • recommends that the editorial note be amended to clarify that above the 25% meat flesh content, other meat components such as gelatine and gravy derived from stock or rendering may be also included; • notes that a traditional pork pie normally includes gelatine which is not included within the definition of meat flesh, but the pork pie would still comply with the minimum 25% meat flesh requirement; • suggests it would be difficult to make meat and vegetable pies meeting the minimum 25% meat flesh requirement so there is little risk of these products being labelled as meat pies; • supports the FSANZ assessment that there are no public health and safety issues arising from the requested change to the definition of meat pies or that the editorial note is likely to result in consumers being misled;
Victoria Department of Human Services	<ul style="list-style-type: none"> • supports Option 2 – accept the Application to amend Standard 2.2.1 by providing a new definition of meat pies;
CHOICE (formerly the Australian Consumers’ Association)	<ul style="list-style-type: none"> • supports the change to meat flesh to bring the definition more into line with consumer expectations and to prevent deception; • believes consumers expect meat in a meat pie to be primarily skeletal muscle; • believes the change merely brings the standard more into line with sausages by referring to meat flesh; • characterising ingredient labelling often fails consumers and does not tell consumers the amount of muscle meat in a pie; • fails to see how manipulating meat content of pies constitutes innovation or product development; • states that there is nothing stopping manufacturers adding more than 25% meat or meat flesh to meat pies;

Submitter	Comments
	<ul style="list-style-type: none"> • suggests that recipe development that endeavours to minimise muscle meat content, by replacing with other meat or soy protein is tantamount to consumer deception; • contends that the proposed change is consistent with FSANZ’s second and third objectives; • still supports amending the standard to list animal species used for meat in ingredient lists for meat pies; • supports reinstatement of 333 g/kg of fat maximum as for sausages, to provide consumers with greater assurance that the meat in a meat pie is mostly muscle meat.
Peter Bush PB Bush & Associates	<ul style="list-style-type: none"> • supports Option 2 – however considers that declaring meat flesh (25%) on a label may be interpreted as 25% lean skeletal muscle and not as including fat; • has concerns about the range in analytical results for meat content of meat pies; • considers that independent leading Australian analysts may be reporting meat in meat pies at a level 8.5% below the actual meat content, that is they would report a 22.7% result for compliant meat pies that actually contain 25% meat.
New Zealand Food Safety Authority (NZFSA)	<ul style="list-style-type: none"> • agrees to Option 2 – to amend the definition of meat pies in Standard 2.2.1, but believes further work is required; • the Code should be made clear as per the NZFSA interpretation that the 25% minimum meat content applies to the ingoing weight of meat, not the cooked weight; • any compliance testing of finished cooked product would need to accurately determine or calculate the ingoing weight of meat used; • contends that the narrower definition of meat flesh applying to meat pies would mean that some current meat pies could no longer be called meat pies if they contain non-meat flesh components as part of the 25% meat; • requests that FSANZ consider how meat flesh and offal pies, e.g. steak and kidney pies, will be regulated; • requests that FSANZ consider how to label lower quality pies containing meat and meat flesh but not meeting the 25% meat flesh content requirement; • requests that guidance be provided in an editorial note or in the User Guide as to how much of other foods is considered to be significant and clarification about whether offal is included in the meat calculation; • suggests that there are enforcement and compliance issues regarding the determination of fat and connective tissue as part of the skeletal muscle calculation.
Queensland Health, Environmental Health Unit	<ul style="list-style-type: none"> • supports Option 2 – to amend Standard 2.2.1 by altering the definition of meat pie; • a minimum quality standard is required as many meat pies are sold unpackaged and content information is not readily available; • a maximum fat content should be prescribed; • considers the suggested wording of standard is not adequate as it could allow for a pie containing other foods to still be called a meat pie but be exempt from compositional regulation; • questions if FSANZ will instigate a proposal to address the potential information gap for all unpackaged foods; • questions whether the minimum meat flesh content would apply to a pie named by meat species, e.g. a lamb pie.

Submitter	Comments
	<ul style="list-style-type: none"> • does not consider the proposed change will unduly inhibit innovation as other names can be used for other variations to meat pies; • it is not necessary to identify species of animal in the meat pie and a precedent for this has been established for mince meat.
Balfours Pty Ltd	<ul style="list-style-type: none"> • feels the change to meat flesh for the content of meat pies will be beneficial to both the consumer and the pie making industry; • would like to see regulation of the meat in a meat pie originating from beef or mutton with species identification for other sources of meat.
New Zealand Association of Bakers	<ul style="list-style-type: none"> • members believe that the proposed replacement of the term meat with meat flesh reflects the actual practice of the industry and therefore support the application; • do not believe the proposed change will have any adverse effects on the industry in terms of cost; and • believe it will be a positive move to reassure the consumer that the quality of the meat used in meat pies is appropriate.
Lee Burgess	<ul style="list-style-type: none"> • feels the meat pie should have 25%, if not more real meat, not animal parts such as ears or offal; • wants ingredients listed to inform him about what he is eating.
Eleanor and Gordon B. Moody	<ul style="list-style-type: none"> • wholeheartedly endorse any further defining of meat content allowable; • feel that 25% meat content is laughable; • request 50% meat as pastry could not encompass another 25%.
Craig Dennes	<ul style="list-style-type: none"> • supports the Application; • feels that the meat content should be 30% and only beef, not offal; • would accept a variation of beef/mutton but prefers beef.
Lindsay Mason	<ul style="list-style-type: none"> • contends that any meat pie, pastie or sausage roll should contain 100% meat flesh; • will not eat any of them because the filling is not meat flesh; • believes standards of all food products should be lifted; • believes FSANZ fails the people by allowing manufacturers to do as they please, and does not protect consumers from possibly lethal things added to foods.
David Simpson	<ul style="list-style-type: none"> • likes meat pies, particularly gourmet ones with higher meat contents; • would prefer to raise the standard to 40-50% rather than only 30%
Catherine Bragnolo	<ul style="list-style-type: none"> • believes a meat pie should be majorly meat, meaning more than 50% and 80 % would be more reasonable; • believes something that is less than 50% meat should be called a meat and fat pie • believes if a pie is one third meat then it should be called meat, fat and pastry pie.
Matthew Muirhead	<ul style="list-style-type: none"> • would like to see the amount of meat increased to 30%; • believes the definition of meat in a meat pie should be 'muscle tissue'; • would like to see use of preservative number 220 lessened where possible as he has recently developed a chronic skin condition which seems to be related to 220 in foods at huge amounts.

Submitter	Comments
Coles Myer Ltd	<ul style="list-style-type: none"> • supports Option 2 – as proposed at Draft Assessment for amendment of Standard 2.2.1; • agrees that changing the definition will promote fairer trading in meat pies and increase consumer confidence in this food sector; • suggests that consumers would prefer to know the species of meat used, to allow for a more informed purchase decision and to improve their perception of value for money, for example in the case of a pie with mutton versus lamb; • would encourage industry to supply this sort of information.
Dietitians Association of Australia, Food Standards Advisory Committee	<ul style="list-style-type: none"> • supports Option 2 – to amend Standard 2.2.1 by providing a new definition of meat pies; • acknowledges that the review of PPP standards should consider consumer expectations for skeletal meat to form the major component of meat flesh; • notes that the inclusion of offal meats is still possible under the proposed definition and this is likely to be of concern to consumers; • contends that consumers should be able to identify the animal species in the ingredients list of the product; • contends that consideration should be given to the recommendation of displaying characterising ingredients at the point of sale for unpackaged pies..
Food Technology Association of Victoria Inc.	<ul style="list-style-type: none"> • accepts Option 2 – to amend Standard 2.2.1 to provide a new definition of meat pies; • questions what the fat content of a meat pie under the new definition will be.
John Kelcher	<ul style="list-style-type: none"> • submits a poem about the poor quality of Mrs Macs Pies; • supports Jimmy’s mince pies; • includes ten commandments about various pies and criticises food factories, factory farming, privatisation of DNA and the WTO.
J.P. McDonnell	<ul style="list-style-type: none"> • notes that in recent months pie manufacturers have doubled the pastry thickness; • manufacturers are using a foil former which indents the base so less filling is required.